

EXHIBIT 3

NOTICE OF CLASS ACTION

Additional Information for Black Applicants

If you are black and you took a test to become a New York City firefighter between 1999 and 2006, you may be part of a Class Action discrimination lawsuit against the City, and you may be entitled to a monetary damage award.

This notice explains your rights in the lawsuit.

Am I a member of the Class?

You are a member of the Class if you are black and you took one (or both) of the City's tests to become an entry-level firefighter between 1999 and 2006. These tests were called Exam 7029 and Exam 2043. It doesn't matter if you passed or failed the test, or whether or not you were hired. You may be eligible for an award of damages.

Everyone in the Class is split up into two smaller Subclasses, depending on whether or not you were hired as a firefighter. Please read below to find out which Subclass you are in:

Non-Hire Subclass

If you were **NOT** hired by the City as a firefighter, you are in the Non-Hire Subclass. You could be eligible for backpay, a job offer, seniority, and compensatory damages.

Delayed-Hire Subclass

If you **WERE** hired by the City as a firefighter, but you were not hired in the first Academy class from the eligibility list, you are in the Delayed-Hire Subclass. You could be eligible for backpay, seniority and compensatory damages.

(Not all members of the Class will be eligible for backpay, job offers or other types of relief. It will depend on whether you meet certain eligibility requirements, aside from your test score.)

Who represents each Subclass?

If you are in the Non-Hire Subclass:

You are represented by Marcus Haywood, Roger Gregg and Kevin Walker, black applicants who were also not hired as NYC firefighters.

If you are in the Delayed-Hire Subclass:

You are represented by Candido Nuñez and Kevin Simpkins, black firefighters named who were also delayed in being hired by the City.

The Subclass representatives will represent you on the following issues:

- Eligibility criteria for backpay, job offers, seniority, and compensatory damages;
- The amount of backpay the Subclass should receive;
- The number of job offers the City will make to those who were not hired, and the way the job offers will be distributed;
- How much retroactive seniority the Subclass should receive, and how it will be distributed; and
- The noneconomic advantages of the firefighter job (for purposes of determining compensatory damages).

Everyone in the Class is also in an Injunctive Relief Subclass, which is suing for changes to the City's hiring practices, and better treatment of black firefighters in the future. This Subclass is represented by the Vulcan Society (an organization of black firefighters), a black applicant named Jamel Nicholson, and a black firefighter named Rusebell Wilson. Class members cannot opt out of this Injunctive Relief Subclass. Your opt out rights are explained below.

Who are the lawyers for the Subclasses?

The law firm for the Non-Hire Subclass is:

Levy Ratner, P.C.
(212) 627-8100, ext. 269
(212) 627-8182 (fax)
www.levyratner.com

The law firm for the Delayed-Hire Subclass is:

The Center for Constitutional Rights
(212) 614-6475
(212) 614-6499
www.ccrjustice.org

The Injunctive Relief Subclass is represented by both Levy Ratner and the Center for Constitutional Rights, along with Scott + Scott, LLP (www.scott-scott.com). If you have any questions about the case, please call the firm that represents your Subclass.

Do I need my own lawyer?

Class members do not need to hire their own lawyers. The Court has decided that the lawyers for each Subclass are qualified to represent the best interests of the Subclass. If you want to hire a lawyer to appear in the case on your behalf regarding the Class claims or your individual claim for relief, you may do so at your own expense. If you are considering opting out of the Class Action (as explained below), you should consult an attorney immediately for advice about how to proceed.

The Subclass lawyers will not ask you to pay any of their fees or expenses. They will ask for payment from the City.

The Subclass lawyers will represent you as follows:

- ➔ Eligibility: The Subclass lawyers will participate in decisions about the eligibility criteria for backpay and other relief. They will not represent any particular claimant regarding eligibility. Instead, they will represent the best interests of the Subclass as a whole.
- ➔ Backpay, seniority, and job offers: The Subclass lawyers will represent the Subclasses regarding the overall amount of backpay, seniority and job offers that should be awarded and distributed to eligible Class members.
- ➔ Compensatory Damages: The Subclass lawyers will represent you with respect to the noneconomic advantages of the job and will represent eligible Class members in their claims for compensatory damages, including helping claimants obtain a money award.

What are my options in the case?

OPTION 1: Stay in the Class. Mail the Claim Form Only.

You can stay in the Class Action and wait for the Court's decisions about backpay, job offers, seniority and compensatory damages. You will be bound by the Court's decisions. By staying in the Class Action, you give up the right to bring your own lawsuit against the City for the same claims. The Subclass representatives have waived the right to a jury trial on all remedial-phase issues on behalf of the Subclasses, so you also give up the right to have a jury trial. If you stay in the Class, be sure to mail in your Claim Form!

OPTION 2: Ask to be Excluded from the Class. Mail the Claim Form And the Opt-Out Form.

You can leave the Class Action by mailing the enclosed Opt-Out form to the Court. If you opt out of the Class Action, you will not receive any compensatory damages in this lawsuit, but you will still be considered for backpay, a job offer, and/or seniority based on the United States' claims in this lawsuit.

If you opt out, you may keep any rights you have to sue the City about the same legal claims in this lawsuit provided you do not waive those claims by accepting an award of backpay or other individual relief. If you are considering this option, you should talk with an attorney immediately because you will have to bring your claim individually within certain time limits. Even if you opt out, be sure to mail in your Claim Form!

You must decide NOW whether to stay in the Class or Opt Out.